

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

TIMOTHY R. DEFOGGI, :
Petitioner, : Civ. No. 21-12428 (NLH)
v. : **MEMORANDUM OPINION & ORDER**
THOMAS GUBBIOTTI, :
Respondent. :
:

APPEARANCE:

Timothy R. Defoggi
56316-037
Fort Dix
Federal Correctional Institution
Inmate Mail/Parcels
East: P.O. Box 2000
Fort Dix, NJ 08640

Petitioner Pro se

HILLMAN, District Judge

WHEREAS, Petitioner Timothy Defoggi, a federal prisoner presently incarcerated at FCI Fort Dix, New Jersey, has submitted a petition for writ of mandamus asking the Court to order the Bureau of Prisons to recalculate his PATTERN score and correct deficiencies in the BOP administrative remedy process, see ECF No. 1; and

WHEREAS, Petitioner paid the \$5.00 filing fee applicable to petitions for writ of habeas corpus on June 14, 2021, receipt number CAM012877; and

WHEREAS, the entire fee to commence any civil action, other than a petition for writ of habeas corpus, is \$402. That fee includes a filing fee of \$350 plus an administrative fee of \$52, for a total of \$402; and

WHEREAS, Petitioner's request for a writ of mandamus is not a petition for writ of habeas corpus. Therefore, the required filing fee is \$402, not \$5.00; and

WHEREAS, the Court administratively terminated the complaint as Petitioner had not paid the correct filing fee and did not submit an in forma pauperis application, ECF No. 3; and

WHEREAS, Petitioner wrote to the Court objecting to the termination and requesting additional time to submit the filing fee, ECF No. 6; and

WHEREAS, the Court will instruct the Clerk's Office to refund the \$5.00 filing fee that was paid in error. The Court will reopen this matter upon receipt of an in forma pauperis application or the \$402 filing and administrative fees,

THEREFORE, IT IS on this 7th day of July, 2021 ORDERED that the Clerk shall refund Petitioner the \$5.00 fee receipt number CAM012877; and it is further

ORDERED that the Clerk shall reopen this matter upon receipt of an in forma pauperis application or the \$402 filing and administrative fees; and it is finally

ORDERED that the Clerk shall send Petitioner a copy of this Order by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.